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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,454	01/30/2004	Richard Craig Beesley	038819.53225US	3942

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/767,454	BEESLEY ET AL.	
	Examiner Khanh Dinh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/9/05, 5/23/05, 8/16/04</u> <u>KD</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

1. Claims 1-24 are presented for examination.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12, drawn to a method of communicating over a public data network, classified in class 709, subclass 203.
 - II. Claims 13-24, drawn to a method and system for enabling a user to input data to a terminal, classified in class 709, subclass 219.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I, II are related as subcombinations disclosed as usable together in a combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as to a method of communicating over a public data network, classified in a *different Class/Subclass*. Invention II has separate utility such as a method and system for enabling a user to input data to a terminal, classified in a *different Class/Subclass*.
4. The inventions are distinct, each from the other, because of the following reasons:
 - (a) These inventions have acquired a separate status in the art as shown by their different classifications.

(b) The search required for each Group is different and not co-extensive for examination purposes.

For example, the searches for the three inventions would not be co-extensive because these Groups would require different searches on PTO's classification class and subclass as following:

the Group I search (claims 1-12) would require use of search **class 709, subclass 203** (not require for the invention II).

the Group II search (claims 13-24) would require use of search **class 709, subclass 219** (not require for the invention I).

For the reasons given above restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Gary R. Edwards (Reg. No.29,004) on 8/9/2005 a provisional election was made in traverse to prosecute the invention of Beesley et al. of claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Therefore, claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabber et al. (hereafter Gabber), US pat. No.5,961,593.

As to claim 1, Gabber discloses a method of communicating over a public data network, the method comprising:

transmitting to a remote server (110a fig.2) on the network a request for communications application (substitute identifiers) stored on the server to be downloaded a terminal (105a fig.2) connected to the network (see abstract, fig.2, col.5 line 47 to col.6 line 17);

receiving the communications application at the terminal (receiving the substitute identifiers, see col.6 lines 17-51);

using the communications application communicate from the terminal over the public data network; wherein, the communications application is configured such that user input data, input to the communications application by user of the terminal, is transmitted into the network without a record of the data being stored at the terminal

that data received at the terminal by the communications application from the network at the request of the user is presented to the user without a record of the data being stored at the terminal (allowing user terminal to anonymously browse server sites, see col.6 line 38 to col.7 line 38).

As to claim 3, Gabber discloses the communications application is for communicating with web sites (see col.8 lines 3-63).

As to claim 4, Gabber discloses the communications application is downloaded by and runs within a further communications application provided on the terminal (see fig.2, col.7 lines 19-61 and col.8 lines 3-63).

As to claim 5, Gabber discloses wherein the further communications application Web Browser (see col.6 lines 17-58).

As to claim 6, Gabber discloses wherein the further communications application Web Browser (see col.6 lines 17-58).

As to claim 7, Gabber discloses the communications application is arranged to communicate with the public data network via a Web Browser application running on a remote server (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

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As to claim 8, Gabber discloses the Web Browser application retrieving web pages from the network on behalf of the communications application and the communications application receives the Web Pages in a non graphical format from the Web Browser application (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

As to claim 9, Gabber discloses wherein no copy of the data transmitted to the network or received from the network by the application is cached at the terminal or written to permanent memory at the terminal (anonymous browsing, see fig.2, col.7 lines 19-61 and col.8 lines 3-63).

As to claim 10, Gabber discloses wherein no record of a network address visited by the application from the terminal is stored at the terminal (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

As to claim 11, Gabber discloses wherein the network address is any an IP address, domain name URL (see fig.2, col.6 lines 17-58 and col.10 lines 11-65).

Claim 12 is rejected for the same reasons set forth claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber in view of Binding et al., US pat. No.6,694,431.

Gabber's teaching still applied as in item 8 above. Gabber does not specifically disclose using Java applet. However, such applet is generally well known in the art as disclosed by Binding (see col.1 line 62 to col.2 line 14 and col.7 lines 3-41). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Binding's Java into the computer system of Gabber to process data information because it would have enabled users to access objects across the Internet via URLs almost as easily as on the local file system and to provide capabilities for several types of distributed network applications.

Other prior art cited

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Jiang et al, US pat. No.6,385,641.
 - b. Ambroziak et al, US pat. No.6,415,319.
 - c. Bawden et al, US pat. No.6,003,077.

Conclusion

11. Claims 1-12 are rejected.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh Dinh

Khanh Dinh
Patent Examiner
Art Unit 2151
8/19/2005